

THE TOWN OF UPPER MARLBORO, MARYLAND

Annexation Resolution No. 01-2019

**RESOLUTION PROPOSING THE ANNEXATION OF CERTAIN
ADJOINING PUBLIC WAYS AND LANDS (TAX MAP 102, PARCEL 32,
[NORTH AND SOUTH OF PENNSYLVANIA AVENUE/STEPHANIE
ROPER HIGHWAY (MD 4)] & TAX MAP 102, PARCEL 115; & TAX MAP
101, PARCEL 245; & TAX MAP 101, PARCEL 60 INTO THE TOWN OF
UPPER MARLBORO (THE FIRST ANNEXATION))**

A RESOLUTION TO APPROVE THE ANNEXATION OF TWO (2) SEGMENTS OF STATE HIGHWAYS (RIGHTS-OF-WAY OF MD 4 & MD 717) AND APPROXIMATELY FIVE (5) PARCELS (INCLUDING PORTIONS OF PARCELS ALREADY LOCATED WITHIN THE TOWN'S CORPORATE LIMITS) OF LAND CONSISTING OF AN ANNEXATION AREA OF 189.08 ACRES OF LAND, MORE OR LESS, LOCATED IN THE 3RD ASSESSMENT DISTRICT OF PRINCE GEORGE'S COUNTY, AND LOCATED GENERALLY SOUTH AND EAST OF THE PRESENT CORPORATE LIMITS OF THE TOWN OF UPPER MARLBORO, INCLUDING LANDS SITUATED SOUTH OF MARLBORO PIKE (MD 725) BOUNDED BY OR STRADDLING MARLBORO RACE TRACK ROAD (PRIVATE ROAD), THE WESTERN BASIN OF DEPOT POND LOCATED WITHIN PARCEL 32 AND WEST OF THE CSX TRANSPORTATION RAILROAD RIGHT-OF-WAY, PARCEL 115, A PORTION OF PARCEL 60, A PORTION OF PARCEL 245, A SEGMENT OF PENNSYLVANIA AVENUE/STEPHANIE ROPER HIGHWAY (MD 4) BISECTING PARCEL 32, AND A SEGMENT OF WATER STREET (MD 717) INTO THE CORPORATE TERRITORY OF THE TOWN OF UPPER MARLBORO AS MORE FULLY DESCRIBED IN THIS RESOLUTION; PROVIDING FOR THE TERMS AND CONDITIONS OF THE ANNEXATION TO THE TOWN OF UPPER MARLBORO; AMENDING THE CHARTER OF THE TOWN OF UPPER MARLBORO FOR THE PURPOSES OF INCLUDING THE ANNEXED PROPERTY WITHIN THE LEGAL DESCRIPTIONS AND PLATS DEPICTING THE CORPORATE LIMITS OF THE TOWN; AND GENERALLY ALL MATTERS RELATED TO SAID ANNEXATION.

WHEREAS, the Board of Commissioners finds it to be in the best interest of the Town of Upper Marlboro (the "Town") to initiate this Resolution proposing the annexation of certain public lands (Tax Map 102, Parcel 32, [North and South of Pennsylvania Avenue/Stephanie Roper highway (MD 4)] & Tax Map 102, Parcel 115; & Tax Map 101, Parcel 245; & Tax Map 101, Parcel 60 into the Town (the "First Annexation") including the lands commonly known as the Show Place Arena and Prince George's Equestrian Center Properties, a portion of the Pennsylvania Avenue (MD 4) public right-of-way, a portion of the Water Street (MD 717) public right-of-way, the Upper Marlboro Community Center property at 5400 Marlboro Race Track Road, the Prince George's Soil Conservation District property at 5301 Marlboro Race Track Road, Depot Pond west of the CSX Transportation Railroad right-of-way, the fast and submerged land on either side of Marlboro Race Track Road within or bounding Parcel 32 to said private road's intersection with Marlboro Pike (MD 725) as more fully described herein below and particularly as described in the metes and bounds description of Section 2 provided

below and the map of the first annexation of the Town of Upper Marlboro, prepared by Charles P. Johnson and Associates, Inc. (June 2019) attached hereto; and

WHEREAS, The Town is authorized by the Town Charter and provisions of Title 4, Subtitle 4 of the Local Government Article, of the Annotated Code of Maryland (the “Maryland Code”) to expand its municipal boundaries by annexing lands which are adjoining and contiguous; and

WHEREAS, this Resolution is initiated by the Town Board of Commissioners pursuant to §4-403 of the LG Art., of Maryland Code; and

WHEREAS, the property to be annexed will consist of adjoining public ways and five (5) parcels of land (Tax Map 102, Parcel 32, [North and South of Pennsylvania Avenue/Stephanie Roper Highway (Md 4)] & Tax Map 102, Parcel 115; & Tax Map 101, Parcel 245; & Tax Map 101, Parcel 60) totaling 189.08 acres of land, more or less, contiguous and adjoining to the existing southern and eastern corporate boundaries of the Town, and more particularly described herein below (the “Annexation Property”) owned by Prince George’s County, Maryland, the Prince George’s County Soil Conservation District, and the State of Maryland; and

WHEREAS, parts of the Annexation Property are currently zoned according to the following categories or classifications: R-O-S or Reserved Open Space, RA or Residential-Agricultural, RR or Rural Residential and C-S-C or Commercial Shopping Center pursuant to the County Zoning Ordinance as depicted on the County Zoning Map; and

WHEREAS, the Local Government Article (“LG”), §4-403 of the Maryland Code states that “[b]efore an annexation resolution is introduced, the legislative body shall obtain consent from: (1) at least 25% of the registered voters who are residents in the area to be annexed; and (2) the owners of at least of 25% of the assessed valuation of real property in the area to be annexed...”; and

WHEREAS, the Annexation Property currently has no residential dwellings, and no residential occupants residing upon the premises or parcels owned and maintained by governmental owners named herein; therefore, the Board of Commissioners finds that there are no qualified voters residing in the Annexation Property; and

WHEREAS, the Board of Commissioners further finds that all of the parcels, ways or lands of the Annexation Property are owned by tax exempt entities including the State of Maryland, Prince George County, and the Prince George’s Soil Conservation District; and

WHEREAS, on April 4, 2019, the Court of Appeals of Maryland held in *Town of Forest Heights v. Md.-Nat’l Capital Park & Planning Comm’n* (No. 21, Sept. Term 2018) that the 25% consent requirement of LG § 4-403(b)(2) is not applicable to the owners of tax-exempt properties, and the Attorney General of Maryland has opined in 66 Op. Att’y Gen. Md. 267 (1981) that regarding land owned by a county government within a proposed municipal annexation area, a county government may not veto or withhold consent to a municipal annexation of its real property as follows from the *City of Salisbury v. Banker’s Life*, 21 Md. App. 396, 404 (1974) case, which stood for the proposition that the consent of tax-exempt

property owners within a proposed annexation area is not required to effectuate a municipal annexation; and

WHEREAS, the Annexation Property is described in the metes and bounds legal description of a parcel or parcels of land referenced herein below as the First Annexation, and the Annexation Property is more further described or depicted on a map exhibit entitled “Map of the First Annexation of the Town of Upper Marlboro, Prince George’s County, Maryland, 1” = 300’, June 2019” prepared by Charles P. Johnson and Associates, Inc., which is attached hereto as Exhibit A, and the Annexation Property is further shown on the Prince George’s County TAX MAP (Tax Map 102, Parcel 32 (Account No. 0238873), & Tax Map 102, Parcel 115 (Account No. 3733714); & Tax Map 101, Parcel 245 (Account No. 0229864); & Tax Map 101, Parcel 60 (Account No. 0192286); and

WHEREAS, a proposed Annexation Plan consistent with the requirements of Section 4-415 of the Local Government Article, of the Annotated Code of Maryland has been prepared and submitted to the Town and made available for public review and discussion; a copy of the Annexation Plan has been provided to the Prince George’s County Council and the County Executive, the Maryland-National Capital Park and Planning Commission, and the Maryland Department of State Planning at least thirty (30) days prior to the date of the public hearing to be conducted on this Resolution by the Board of Commissioners of the Town of Upper Marlboro; and

WHEREAS, all requirements of the Laws of the State of Maryland, Prince George’s County and the Charter and laws of The Town of Upper Marlboro regarding initiation of this annexation by the Town’s legislative body have been satisfied, and the Town Board of Commissioners has determined that it is desirable to initiate by resolution the annexation process for the benefit of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO the following:

Section 1. Modification of Town Boundaries. The municipal boundaries of The Town of Upper Marlboro, Maryland shall be and are hereby amended to incorporate into The Town of Upper Marlboro the Annexation Property, as described in the metes and bounds legal description of parcels of land referenced herein below as the First Annexation, and the Annexation Property is more further described or depicted on a map exhibit entitled “Map of the First Annexation of the Town of Upper Marlboro, Prince George’s County, Maryland, 1” = 300’, June 2019” prepared by Charles P. Johnson and Associates, Inc., and certified by Steven William Jones, Professional Land Surveyor, which is attached hereto as Exhibit A, and the Annexation Property is further shown on Prince George’s County Tax Map 102, Parcel 32 (Account No. 0238873), & Tax Map 102, Parcel 115 (Account No. 3733714); & Tax Map 101, Parcel 245 (Account No. 0229864); & Tax Map 101, Parcel 60 (Account No. 0192286). The annexation plat or map shall be subject to technical review and correction by the Town, or its designee, prior to the public hearing to be held on this Resolution.

Section 2. Amendment of Town Charter. Pursuant to the authority of Article XI-E of the Constitution of Maryland and the Local Government Article (Division II) of the Maryland Code, the Charter of the Town of Upper Marlboro (as published in the *Public Local Laws of Maryland – Compilation of Municipal Charters*) be and the same is hereby amended in Section 82-2 of said Charter by amending said Section to read as follows (changes underlined and/or in italics but not bold font) by adding the following subsection containing the metes and bounds description of the Annexation Property:

...

Corporate Limits

Section 82–2. The corporate limits of the Town shall be as follows:

- (a) Original Boundaries. Commencing at the mouth of the Federal Spring Branch at its confluence with the Western Branch and running down with the meanders of the Western Branch on the south side thereof, and exclusive of said branch, to the stream beyond James B. Belt’s meadow; then up and with said stream to the small bridge culvert on the road from Upper Marlboro to Rosaryville, back of the former residence of A. S. Brooke; then in an air or direct line across the land of Frederick Sasscer to the Federal Spring Branch at a point which will throw into the corporation all the land formerly purchased by Thomas E. Williams and C. C. Magruder, Jr., of the trustees of D. Benedict J. Gardiner; then down and with the meanders of said Federal Spring Branch on the south side thereof, and exclusive of said branch to its mouth, the beginning point aforesaid.
- (b) First Annexation. The boundaries of Upper Marlboro are hereby extended to include the following parcel or area of land:
- (1) Beginning for the same at a point on the Northerly side of the Western Branch of the Patuxent River, said point also being on the Westerly Right-of-Way line of Water Street (30’ wide), thence leaving the aforesaid Westerly Right-of-Way line of Water Street, and running with and binding on the aforesaid Northerly side of the Western Branch of the Patuxent River, which line is also the present southern boundary line of the Town of Upper Marlboro, the following course and distance
- (i) North 59°22’15” East, 30.20 feet to a point on the Easterly Right-of-Way line of the aforesaid Water Street, thence leaving the aforesaid Easterly Right-of-Way line of Water Street, and running with and binding on the aforesaid Northerly side and the Westerly side of the aforesaid Western Branch of the Patuxent River, which line is also the present southern and eastern boundary lines of the Town of Upper Marlboro, the following thirty-seven courses and distances
- (ii) North 59°22’15” East, 33.65 feet to a point, thence
- (iii) North 78°17’37” East, 54.21 feet to a point, thence
- (iv) South 80°47’48” East, 77.15 feet to a point, thence
- (v) South 71°19’31” East, 112.94 feet to a point, thence
- (vi) South 76°01’28” East, 152.69 feet to a point, thence

- (vii) South 83°05'54" East, 71.68 feet to a point, thence
- (viii) South 89°32'06" East, 85.41 feet to a point, thence
- (ix) South 85°04'07" East, 108.07 feet to a point, thence
- (x) North 80°58'04" East, 57.19 feet to a point, thence
- (xi) North 71°21'18" East, 121.74 feet to a point, thence
- (xii) North 72°44'50" East, 106.09 feet to a point, thence
- (xiii) North 58°16'59" East, 86.36 feet to a point, thence
- (xiv) North 35°36'26" East, 96.84 feet to a point, thence
- (xv) North 10°50'22" East, 65.08 feet to a point, thence
- (xvi) North 10°09'29" West, 53.08 feet to a point, thence
- (xvii) North 23°22'29" West, 68.12 feet to a point, thence
- (xviii) North 14°10'44" West, 43.37 feet to a point, thence
- (xix) North 06°08'00" West, 88.43 feet to a point, thence
- (xx) North 15°30'05" West, 105.41 feet to a point, thence
- (xxi) North 10°38'44" West, 22.55 feet to a point, thence
- (xxii) North 05°24'42" East, 99.91 feet to a point, thence
- (xxiii) North 24°36'20" East, 52.46 feet to a point, thence
- (xxiv) North 29°58'08" East, 73.58 feet to a point, thence
- (xxv) North 01°08'40" East, 73.14 feet to a point, thence
- (xxvi) North 12°22'04" West, 101.83 feet to a point, thence
- (xxvii) North 02°42'06" West, 105.34 feet to a point, thence
- (xxviii) North 18°30'24" East, 119.68 feet to a point, thence
- (xxix) North 25°23'06" East, 120.06 feet to a point, thence
- (xxx) North 17°35'07" East, 133.80 feet to a point, thence
- (xxxi) North 23°00'32" East, 127.31 feet to a point, thence
- (xxxii) North 43°34'57" East, 88.61 feet to a point, thence
- (xxxiii) North 31°19'50" East, 66.99 feet to a point, thence
- (xxxiv) North 16°33'44" East, 52.18 feet to a point, thence
- (xxxv) North 01°52'36" East, 74.08 feet to a point, thence
- (xxxvi) North 10°09'43" West, 73.94 feet to a point, thence
- (xxxvii) North 13°27'01" West, 60.91 feet to a point, thence
- (xxxviii) North 24°14'35" West, 62.64 feet to a point on the Southerly Right-of-Way line of Marlboro Pike (MD Rte. 725 [formerly MD Rte. 4], variable width) as shown on State Roads Commission Plat Number 26495, thence leaving the aforesaid Westerly side of the Western Branch of the Patuxent River, and running with and binding on the aforesaid Southerly Right-of-Way line of Marlboro Pike, and also running for a new boundary line of Upper Marlboro, the following three courses and distances
- (xxxix) North 61°30'04" East, 105.88 feet to a point, thence
- (xl) North 31°46'10" West, 35.06 feet to a point, thence
- (xli) North 62°31'27" East, 39.26 feet to a point on the extension of the Seventh or North 28°04'00" West, 64.92 feet as described in a Deed from Prince George's County to L. Thomas Wellons, III and Thomas Franklin Houck, Sr., dated January 13, 1987 and recorded among the Land Records of Prince George's County, Maryland in Liber 6627 at Folio 682, thence leaving the aforesaid Southerly Right-of-Way line of Marlboro Pike, and running

reversely with and binding on the aforesaid extension of the Seventh line, and the Sixth through Third lines as described in the aforesaid Deed recorded in Liber 6627 at Folio 682, the following five courses and distances

- (xlii) South 27°41'57" East, 74.04 feet to a point, thence
- (xliii) South 83°24'34" West, 20.30 feet to a point, thence
- (xliv) South 06°35'26" East, 140.00 feet to a point, thence
- (xlv) North 83°24'34" East, 18.27 feet to a point, thence
- (xlvi) North 43°26'56" East, 110.97 feet to a point on the Thirty-Seventh or South 54°13' East, 315.00 feet line as described in a Deed from Southern Maryland Agricultural Association, Inc., a Maryland corporation, to Prince George's County, Maryland, a Municipal corporation, dated August 26, 1980 and recorded among the aforesaid Land Records in Liber 5299 at Folio 269, distant 269.71 feet from the end thereof, thence running with and binding on the aforesaid Thirty-Seventh line, and the Thirty-Eighth and Thirty-Ninth lines as described in aforesaid Deed recorded in Liber 5299 at Folio 269, the following three courses and distances
 - (xlvii) South 57°45'59" East, 269.71 feet to a point, thence
 - (xlviii) South 39°18'37" East, 470.00 feet to a point, thence
 - (xlix) South 23°03'37" East, 608.50 feet to a point on the Westerly line of the Pope's Creek Branch Railroad Right-of-Way, thence running with and binding on the aforesaid Westerly line of the Pope's Creek Branch Railroad Right-of-Way, and also running with and binding on the Fortieth through Forty-Sixth lines as described in the aforesaid Deed recorded in Liber 5299 at Folio 269, the following seven courses and distances
 - (l) South 13°43'37" East, 435.00 feet to a point, thence
 - (li) South 18°25'37" East, 110.00 feet to a point, thence
 - (lii) South 07°25'37" East, 70.00 feet to a point, thence
 - (liii) South 10°10'37" East, 45.00 feet to a point, thence
 - (liv) South 09°24'23" West, 110.00 feet to a point, thence
 - (lv) South 03°14'23" West, 130.00 feet to a point, thence
 - (lvi) South 09°24'23" West, 34.66 feet to a point on the Northerly Right-of-Way line of Pennsylvania Avenue (Relocated MD Rte. 4, variable width) as shown on State Roads Commission Plat Number 19971, thence leaving the aforesaid Northerly Right-of-Way line of Pennsylvania Avenue, and also leaving the aforesaid Forty-Sixth line as described in Liber 5299 at Folio 269, and running in, through, over and across the aforesaid Pennsylvania Avenue Right-of-Way, and also continuing with the Westerly line of the Pope's Creek Branch Railroad Right-of-Way, the following course and distance
 - (lvii) South 09°06'50" West, 307.99 feet to a point on the Southerly Right-of-Way line of the aforesaid Pennsylvania Avenue, thence leaving the aforesaid Southerly Right-of-Way line of Pennsylvania Avenue, and continuing with the Westerly line of the Pope's Creek Branch Railroad Right-of-Way the following fourteen courses and distances
 - (lviii) South 13°46'35" West, 184.23 feet to a point, thence
 - (lix) South 04°56'07" East, 65.46 feet to a point, thence
 - (lx) South 16°30'10" West, 21.02 feet to a point, thence

- (lxi) South 65°06'58" West, 12.81 feet to a point, thence
- (lxii) South 07°04'00" West, 68.47 feet to a point, thence
- (lxiii) South 16°27'37" West, 192.21 feet to a point, thence
- (lxiv) South 12°24'11" West, 292.08 feet to a point, thence
- (lxv) South 13°46'35" West, 202.00 feet to a point, thence
- (lxvi) South 19°07'56" West, 128.56 feet to a point, thence
- (lxvii) South 15°16'41" East, 20.59 feet to a point, thence
- (lxviii) South 40°46'20" West, 59.48 feet to a point, thence
- (lxix) South 13°46'35" West, 938.84 feet to a point, thence
- (lxx) South 26°57'07" East, 53.00 feet to a point, thence
- (lxxi) South 13°52'27" West, 10.67 feet to a point at the end of the Ninth or South 89°32'00" East, 107.60 feet line as described in a Deed from Bertha Alene Curtis, et al, to Jose Mararac, dated April 29, 2008 and recorded among the aforesaid Land Records in Liber 29657 at Folio 228, thence leaving the aforesaid Westerly line of the Pope's Creek Branch Railroad Right-of-Way, and running reversely with and binding on the aforesaid Ninth line, and the Eighth through Fourth lines as described in the aforesaid Deed recorded in Liber 29657 at Folio 228, the following six courses and distances
- (lxxii) South 89°59'27" West, 107.60 feet to a point, thence
- (lxxiii) South 66°33'04" West, 117.25 feet to a point, thence
- (lxxiv) South 63°54'04" West, 274.05 feet to a point, thence
- (lxxv) South 73°28'04" West, 191.42 feet to a point, thence
- (lxxvi) South 77°23'04" West, 161.22 feet to a point, thence
- (lxxvii) North 89°48'51" West, 166.95 feet to a point at the Southerly end of the Easterly or South 18°08'22" West, 346.42 feet plat line as shown on a Record Plat entitled "Plat Two, The Reserve" and recorded among the aforesaid Land Records in Plat Book 149 on Page 2, thence leaving the aforesaid Fourth line as described in Liber 29657 at Folio 228, and running reversely with and binding on the outline of the aforesaid Record Plat the following fifteen courses and distances
- (lxxviii) North 18°08'32" East, 346.42 feet to a point, thence
- (lxxix) North 89°13'01" West, 123.10 feet to a point, thence
- (lxxx) South 67°57'42" West, 191.72 feet to a point, thence
- (lxxxii) South 40°38'59" West, 149.46 feet to a point, thence
- (lxxxii) South 79°06'27" West, 69.28 feet to a point, thence
- (lxxxiii) North 65°58'23" West, 100.94 feet to a point, thence
- (lxxxiv) North 49°33'44" West, 373.62 feet to a point, thence
- (lxxxv) North 61°00'06" West, 252.03 feet to a point, thence
- (lxxxvi) North 45°53'18" West, 132.48 feet to a point, thence
- (lxxxvii) North 50°53'11" West, 190.16 feet to a point, thence
- (lxxxviii) North 37°06'19" West, 305.81 feet to a point, thence
- (lxxxix) North 24°27'00" West, 83.42 feet to a point, thence
- (xc) North 09°51'55" West, 178.84 feet to a point, thence
- (xci) North 00°52'02" East, 171.54 feet to a point, thence
- (xcii) North 10°05'29" West, 124.18 feet to a point on the aforesaid Southerly Right-of-Way line of Pennsylvania Avenue, thence leaving the aforesaid Southerly

Right-of-Way line of Pennsylvania Avenue, and also leaving the aforesaid outline of Plat Two of The Reserve Record Plat, and running in, through, over and across the aforesaid Pennsylvania Avenue Right-of-Way the following course and distance

- (xciii) North 04°54'22" West, 325.42 feet to a point on the aforesaid Northerly Right-of-Way line of Pennsylvania Avenue, thence running with and binding on the aforesaid Northerly Right-of-Way line of Pennsylvania Avenue the following five courses and distances
- (xciv) North 62°17'50" East, 440.10 feet to a point of curvature, thence
- (xcv) 429.67 feet along the arc of a non-tangent curve, deflecting to the left, having a radius of 700.00 feet and a chord bearing and distance of North 29°04'02" East, 422.96 feet to a point of compound curvature, thence
- (xcvi) 247.41 feet along the arc of a tangent curve, deflecting to the left, having a radius of 400.00 feet and a chord bearing and distance of North 06°14'11" West, 243.48 feet to a point, thence with a tangent line
- (xcvii) North 23°57'20" West, 19.39 feet to a point, thence
- (xcviii) North 66°02'40" East, 47.00 feet to a point on the aforesaid Westerly Right-of-Way line of Water Street, thence leaving the aforesaid Northerly Right-of-Way line of Pennsylvania Avenue, and running with and binding on the aforesaid Westerly Right-of-Way line of Water Street the following course and distance
- (xcix) North 23°57'20" West, 47.30 feet to the point of beginning, containing 189.08 acres of land.

...

Section 3. Application of Town Charter and Ordinances. Upon the effective date of this Resolution, the provisions of the Charter, and ordinances of The Town of Upper Marlboro, and any local public laws enacted or to be enacted affecting The Town of Upper Marlboro, shall be effective within the Annexation Property except to the extent that federal or state law, this Resolution, an Annexation Agreement or the Annexation Plan provides otherwise.

Section 4. Zoning Classification. The Annexation Property is governed under the land use jurisdiction of the District Council of Prince George's County and the Maryland-National Capital Park and Planning Commission ("M-NCPPC"). The Annexation Property is currently zoned R-O-S or Reserved Open Space, RA or Residential-Agricultural, RR or Rural Residential and C-S-C or Commercial Shopping Center on certain portions of the subject parcels pursuant to the County Zoning Ordinance.

Section 5. Annexation Plan. The Town has prepared an Annexation Plan with regard to the Annexation Property. The Annexation Plan is attached hereto as Exhibit B, but is not part hereof and the Town reserves the right to amend the Annexation Plan prior to final adoption of this Resolution in a manner consistent with Local Government ("LG") Article, Section 4-415 of the Maryland Code. The Annexation Plan may not be construed in any way as an amendment to this Resolution. A copy of the Annexation Plan has been provided to the Prince George's County Council and the County Executive, M-NCPPC, and also to the Maryland Department of

State Planning (“MDP”) at least thirty (30) days prior to the date of the public hearing conducted by the Board of Commissioners on this Resolution.

Section 6. Public Hearing and Public Notice. A public hearing, as required by the provisions of LG Article, Section 4-406 of the Maryland Code, shall be held by the Town at a time to be determined by the Board of Commissioners, and duly advertised according to the provisions of that statute. Public notice of the proposed public hearing shall be given at least four (4) times, at no less than weekly intervals, in a newspaper of general circulation in Upper Marlboro, Maryland, the last day of which public notice shall precede the public hearing by at least fifteen (15) days, all in accordance with the provisions of Section 4-406, LG Article of the Maryland Code. Upon the first publication of the public notice a copy thereof, including exhibits, shall be provided to:

- (a) the Prince George’s County Council, and the County Executive,
- (b) the Maryland-National Capital Park and Planning Commission (c/o the Prince George’s County Planning Department), and
- (c) The Prince George’s County Planning Board

Section 7. Registration of Boundaries. Within ten (10) days of the effective date of this Resolution, in accordance with the provisions of the Local Government Article, Sections 4-414 and 4-308 of the Maryland Code, the President/Mayor, or her designee, shall promptly forward a copy of this Resolution with the new municipal boundaries to the Town Clerk, the Clerk of the Circuit Court for Prince George’s County, Maryland, the M-NCPPC, and to the Maryland Department of Legislative Services. Each such official or agency shall hold this Resolution with the new municipal boundaries on record and available for public inspection.

Section 8. Effective Date. This Resolution shall be deemed “finally enacted” on the date on which the Commissioners indicate their approval of the Resolution by affixing their signatures hereto. This Resolution shall become effective forty-five (45) days after final enactment, unless it is subject to a petition for referendum by at least 20% of the qualified voters of the municipality, whereas should said petition come to pass and be verified to be in compliance with law, the President/Mayor shall suspend this Resolution by proclamation pending the results of the referendum.

AND BE IT FURTHER RESOLVED, by the Board of Commissioners of the Town of Upper Marlboro, that the corporate boundaries of the Town of Upper Marlboro be, and they hereby are, enlarged and extended by including therein the Annexation Area referred to and described in this Resolution and in Exhibit A attached hereto and incorporated herein by reference.

PASSED by the Board of Commissioners of the Town of Upper Marlboro, Maryland at a regular/special meeting on the _____ day of _____, 2019.

ATTEST:

BOARD OF COMMISSIONERS OF THE
TOWN OF UPPER MARLBORO,
MARYLAND

M. David Williams
Clerk

Tonga Y. Turner, President/Mayor

Linda Pennoyer, Commissioner

Enactment Date: _____

Wanda Leonard, Commissioner

Reviewed and Approved for Legal Sufficiency

Kevin J. Best, Esq.

Date: _____

CERTIFICATION

I, HEREBY CERTIFY THAT THE FOREGOING RESOLUTION OF THE TOWN OF UPPER MARLBORO DESIGNATED ANNEXATION RESOLUTION NO. 01 - 2019, WAS DULY INTRODUCED AND READ, AND THEREAFTER ADVERTISED FOR FOUR SUCCESSIVE WEEKS, AND CONSIDERED AT A PUBLIC HEARING ON JULY ___, 2019 AND WAS ADOPTED BY THE BOARD OF COMMISSIONERS AT A DULY ANNOUNCED PUBLIC MEETING, IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF THE ANNOTATED CODE OF MARYLAND AND CHARTER OF THE TOWN OF UPPER MARLBORO.

ATTEST:

M. David Williams, Clerk

EXHIBIT A - "Map of the First Annexation of the Town of Upper Marlboro, Prince George's County, Maryland, 1" = 300', June 2019" prepared by Charles P. Johnson and Associates, Inc.

ANNEXATION RESOLUTION SCHEDULE

RESOLUTION INTRODUCTION DATE: June 10, 2019

ANNEXATION PLAN TO COUNTY, MDP, M-NCPPC & PGCPB (AT LEAST 30 DAYS BEFORE HEARING): Before July 28, 2019 (Fri/26)

HEARING NOTICE PUBLICATION DATES: 1 July 4, 2019
(4 NOTICES FOR 4 WEEKS PRIOR TO HEARING) 2. July 11, 2019
3. July 18, 2019
4. July 25, 2019

MAIL PUBLIC NOTICE TO CO. COUNCIL, MDP & M-NCPPC: July 5, 2019

PUBLIC HEARING DATE (NOT LESS THAN 15 DAYS AFTER THE FINAL PUBLICATION OF THE NOTICES): August 27, 2019

ENACTMENT DATE (ON OR AFTER HEARING DATE): August 27, 2019

EFFECTIVE DATE (45 DAYS AFTER ENACTMENT): October 12, 2019

FILE ENACTED RESOLUTION (WITH CLERK OF CIR. COURT, MD. DEPT. LEGISLATIVE SERVICES, COUNTY TAX ASSESSOR & M-NCPPC W/I 10 DAYS):
October 22, 2019

Note: All items to be delivered or mailed to the County or the County Council shall include a separate delivery or publication to the County Executive.